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Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	09/522,030
Filing Date	03/09/2000
First Named Inventor	James A. Thomson
Art Unit	1632
Examiner Name	Joseph T. Weitach
Attorney Docket Number	960296.96544

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on December 2, 2002
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 17-0055.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Nicholas J. Seay	Registration No. (Attorney/Agent)	27,386
Signature		Date	December 31, 2002

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

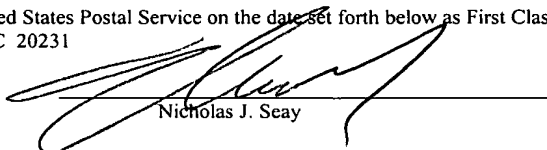
Name (Print/Type)	Nicholas J. Seay
Signature	
Date	December 31, 2002

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Date of Signature and Deposit: December 31, 2002


Nicholas J. Seay



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James A. Thomson

Date: December 31, 2002

Serial No.: 09/522,030

Group Art Unit: 1632

Filed: 03/09/2000

Examiner: Joseph T. Voitach

For: SERUM FREE CULTIVATION OF PRIMATE
EMBRYONIC STEM CELLS

File No.: 960296.96544

RESPONSE

Commissioner For Patents
Box RCE
Washington, DC 20231

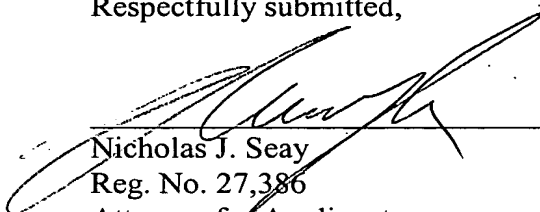
Dear Sir:

In response to the Examiner's Comments contained with the Advisory Action mailed December 18, 2002 in the file of this application, the applicant respectfully requests reconsideration of this requirement. The Examiner has recognized that the addition of the fibroblast growth factor to a serum free medium provides a condition that would not have been expected by the cited references. Nevertheless, the Examiner rejected the claims asserting that the scope of the claims is broader than would be proper given this observation. The applicant respectfully disagrees.

The applicant claims culturing primate embryonic stem cells in a culture free of mammalian fetal serum and with exogenously supplied mammalian fibroblasts growth factor. This is commensurate with that which has been taught in the specification commensurate with the arguments made by the applicant here. Accordingly, it is believed that claims as submitted in the last response are the appropriate ones for issuance in this

patent application. Reconsideration of the merits of the continuing rejection is respectfully requested.

Respectfully submitted,



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